

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Marcus Buie

Docket No. 7:11-CR-105-6F

Petition for Action on Supervised Release

COMES NOW Erik J. Graf, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Marcus Buie, who upon an earlier plea of guilty to Conspiracy to Possess With Intent to Distribute and Distribution of 280 Grams or More of Cocaine Base (Crack) and a Quantity of Cocaine, in violation of 21 U.S.C. § 846, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on September 11, 2012, to the custody of the Bureau of Prisons for a term of 60 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

Marcus Buie was released from custody on November 6, 2014, at which time the term of supervised release commenced.

On March 12, 2015, supervision was continued after the defendant tested positive for marijuana February 23, 2015.

On August 5, 2015, Buie's term of supervised release was revoked due to positive urinalysis tests and failure to participate in substance abuse counseling. He was sentenced to 3 months custody with 36 months supervised release to follow.

On November 4, 2015, Buie was released from custody at which time the second term of supervised release commenced.

On April 13, 2016, supervision was continued and Buie was allowed to participate in increased drug testing and mandatory substance abuse treatment in response to a positive urinalysis test for marijuana on March 10, 2016.

On May 2, 2016, Buie was allowed to remain on supervised release in order to allow for the full effect of substance abuse treatment and increased drug testing in response to an admission of marijuana use on April 27, 2016, as well as the use of cognitive behavioral techniques in response to incurring a charge of Driving While License Revoked in New Hanover County District Court.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On May 19, 2016, Buie tested positive for marijuana and acknowledged use of marijuana prior to the May 19, 2016, test date. Buie is receiving substance abuse treatment, has been admonished for his use of illegal substances, and has been warned that pursuant to 18 U.S.C. §3583(g)(4), any further positive urinalysis test will be his fourth such violation and will result in the request of a warrant and pursuit of revocation of his supervised release. Buie acknowledged this fact and is willing to submit to the punishment of two days custody for his most recent positive urinalysis.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

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PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton

Robert L. Thornton
Supervising U.S. Probation Officer

/s/ Erik J. Graf

Erik J. Graf
U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: 910-679-2031
Executed On: July 15, 2016

ORDER OF THE COURT

Considered and ordered this 15 day of July, 2016, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge